

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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KELVIN MARSHALL KENNY,

Plaintiff,

v.

JOHN and JANE DOE, CAROLINE PACE, KIMBERLY  
LISTCHEIM, LPN BRANDI MALCOOK, LPN LISA  
GUNNEFSON, LPN EMILY HANAWOLD, LPN  
JENNIFER BLISCHKE, ROCK COUNTY JAIL  
HEALTH SERVICES, and SHERIFF TROY  
KNUDSON,

Defendants.

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ORDER

23-cv-697-jdp

After filing a complaint, pro se plaintiff Kelvin Marshall Kenny filed two motions to amend in which he added new defendants and alleged new facts to support his claims, as well as a declaration containing additional facts. Dkt. 1; Dkt. 7; Dkt. 10; Dkt. 11. Treating these separate filings as one pleading would needlessly disorder the record and create confusion. Instead, Kenny should file a final amended complaint that names all the defendants he wishes to sue and that includes all the factual allegations and claims on which he seeks to proceed.

Kenny must file his final amended complaint on the court's prisoner complaint form, which the court will send him along with this order. If Kenny needs more space to allege his claims, then he may submit no more than five supplemental pages. Any handwritten or typewritten text on the form or any supplemental sheet must be large enough and well-spaced enough for the court to read it easily. If Kenny handwrites his final amended complaint, his handwriting should be reasonably neat.

In drafting this final amended complaint, Kenny should be mindful that, to state a claim for relief, a pleading must contain "a short and plain statement of the claim showing that [he]

is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Kenny’s allegations must be “simple, concise, and direct.” Fed. R. Civ. P. 8(d). Kenny should state his allegations in numbered paragraphs, “each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). Kenny should identify the claims he wishes to allege in the final amended complaint, but should omit any legal arguments.

Kenny should carefully consider whether he is naming proper defendants. This means that he should *not* name defendants people who did not personally participate in, or otherwise cause, a violation of federal law. Kenny must explain what each defendant did, or failed to do, that violated his federal rights. If there are multiple defendants, then Kenny should avoid referring to them as a group. Kenny also should identify by full name in the case caption every one of the individuals whom he wishes to sue; if he does not know a particular defendant’s name, then he may refer to that defendant as John Doe or Jane Doe, but he must be sure to explain in the body of his complaint what each Doe defendant did or failed to do that violated Kenny’s federal rights.

## ORDER

IT IS ORDERED that:

1. Plaintiff Kelvin Marshall Kenny has until February 16, 2024, to file a final amended complaint in accordance with the instructions provided in this order.
2. The final amended complaint will act as a complete substitute for the earlier pleadings. This case will proceed on only the allegations made and claims presented in the final amended complaint, and against only the defendants specifically named in the final amended complaint’s caption.
3. If plaintiff fails to comply with this order, then the court may dismiss this case.

4. The clerk of court is directed to send plaintiff copies of this order and the court's prisoner complaint form.

Entered January 16, 2024.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge